REMARKS

This application has been reviewed in light of the Office Action dated January 25, 2008. Claims 59-67, 69-75, 77-81, 83-91 and 93-105 are presented for examination, of which Claims 59 and 83 are in independent form. Claims 59, 77, 83, and 100 have been amended as to matters of form and/or to define still more clearly what Applicants regard as their invention, in terms that distinguish over the art of record. Favorable reconsideration is requested.

Claim 100 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have carefully reviewed and amended Claim 100 as deemed necessary to ensure that it conforms fully to the requirements of Section 112, second paragraph, with special attention to the points raised in page 2 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 59-67, 77-81, 83-91, and 100-105 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appln. Pub. No. 2002/0156723 (*Lilly*); and rejected Claims 69-75 and 93-99 under 35 U.S.C. § 103(a) as being unpatentable over *Lilly* in view of public Notice. Applicants submit that independent Claims 59 and 83, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 59 recites the feature of "determining, if the accessing party is a prospective customer, the validity of the access code, and if the access code is valid, associating the access code with at least one of a customer profile and a pre-approved offer customized based on the customer profile." By virtue of this feature, the present invention recognizes and

distinguishes between prospective customers and pre-existing customers for the purpose of extending pre-approved offers specially tailored to the individual customer profile of the prospective customer or pre-existing customer.

The Office Action cites *Lilly* as disclosing "determining, based on the access code, whether an accessing party is a pre-existing customer." Office Action, pages 3-4 ("it is inherent that the system must first determine whether the 'customer' is an existing customer (who is eligible for an account upgrade), or a new customer (who is eligible for a new account) . . . .").

Assuming, arguendo, that *Lilly* inherently discloses determining if the accessing party is an existing customer or not, *Lilly* still fails to disclose "determining, based on the access code, whether an accessing party is . . . a prospective customer of the card provider" to "associat[e] the access code with at least one of a customer profile and a pre-approved offer customized based on the customer profile," as recited in Claim 59. (Emphasis added.) In stark contrast, *Lilly* is directed to only existing credit card holders--not the claimed "prospective customers." Particularly, one of the first steps required in *Lilly* is for the existing credit card holder to input his or her credit card data. *Lilly*, paragraph [0111]. Moreover, *Lilly* merely determines whether the existing credit card holder has previously been offered an extra credit line in connection with that card. *Id.* at paragraph [0112]. Indeed, *Lilly* fails to even mention prospective customers, let alone maintaining customer profiles of prospective customers for the purpose of extending pre-approved offers specially tailored to the individual prospective customer's profile.

Accordingly, Applicants submit that Claim 59 is not anticipated by *Lilly*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e). Independent Claim 83

includes features similar to those discussed above in connection with Claim 59. Therefore, Claim 83 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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